

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

BOGART, LLC, A DELAWARE LIMITED
LIABILITY COMPANY,

Plaintiff,

v.

ASHLEY FURNITURE INDUSTRIES, INC.
(D/B/A ASHLEY FURNITURE), ASHLEY
FURNITURE HOMESTORE, AND DOES 1
THROUGH 10, INCLUSIVE,

Defendants.

CASE NO. 3:10-CV-39 (CDL)

DECLARATION OF LISA ADAIR

The declarant, Lisa Adair, hereby states as follows:

1. I am the Vice President of Design and Merchandising for Ashley Furniture Industries, Inc., ("Ashley"). I submit this declaration in support of Ashley's Motion for Summary Judgment.

2. For internal accounting and sales reporting purposes, all Ashley products have two different product reference labels. These labels are used to reference Ashley's products and to track product sales, delivery, etc. The first label used is a number usually composed of seven digits. The second label used is composed of two words. I am in charge of choosing these two words for Ashley products like the product at issue in this case, Bogart Ocean. The first word in these labels is chosen from various publically available lists of words such as lists of the names of rivers, parks, cities, lakes, streets, baby first names, and the like. The second word is a word that refers to the color of the product. My goal in choosing a product reference label is to choose words that are easy to pronounce, since the reference is used by Ashley personnel to refer to its

products in our business. It is also my goal to choose a product reference label that has not been previously used with another Ashley product. Our computer system will not accept names that have been recently used for other products.


4. There is no reason for me to keep records of the process of choosing product reference labels for Ashley's many products. However, I have looked into the matter since this lawsuit was filed, and I believe that the word "Bogart" in the Bogart Ocean product was most likely chosen from a list of city names and was based upon the city Bogart, Ga. It is common that the first word in Ashley product reference labels are city names. At the time that the Bogart Ocean product was introduced into the market, approximately one-third of the product reference labels for Ashley products used the name of a city. Also, there were other furniture collections introduced at the same Las Vegas furniture market in 2008 when Bogart Ocean was introduced and many of these used a first name based upon a city name, including Boston, Rochester, Bridgeport, Bayport, Rockingham, and Dalton. One of these groups was named after another city in Georgia (Dalton, Ga) which proves that a list of city names in Georgia was part of the information being relied upon when product reference labels were developed for products at this furniture market. The word "Ocean" was chosen because "Ocean" is a creative way to refer to the color blue. Bogart Ocean was blue colored upholstery.

5. The selection of the product reference label "Bogart Ocean" had nothing to do with the actor Humphrey Bogart. I did not intend for this reference label to indicate any association with Humphrey Bogart, and to the best of my knowledge Ashley never took any action to in any way trade upon Humphrey Bogart's popularity in selling this product. For example, to the best of my knowledge Ashley never referenced the name "Humphrey" in selling this product, Ashley never used a picture or any type of likeness or image of Humphrey Bogart

in selling this furniture, and Ashley never referenced any the voice, signature or character of Humphrey Bogart, or the details of the life or movies of Humphrey Bogart, in selling this furniture.

6. I am not aware, nor to the best of my knowledge is anyone at Ashley aware, of any instance in which any person believed that Ashley's Bogart Ocean furniture was sponsored or endorsed by Humphrey Bogart simply because the word "Bogart" was part of the product identifier. In other words, I am not aware, nor to the best of my knowledge is anyone at Ashley aware, of any instance in which a consumer was confused by the product reference label on this product into believing that it was in any way associated with either the plaintiff in this lawsuit or with Humphrey Bogart.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 29, 2012 at 2012, _____.


LISA ADAIR